

copies mailed 4/9/13
Chambers of Judge Kaplan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

98 Crim. 1023 (LAK)

WADIH EL-HAJE,

Defendant.
----- x

ORDER

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DATE FILED: <u>4/9/13</u>

LEWIS A. KAPLAN, *District Judge.*

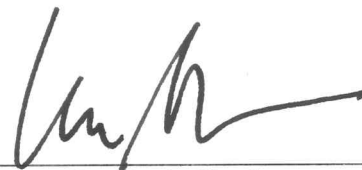
The Court is in receipt of a letter from the defendant, which appears not to have been sent either to his own counsel or the United States Attorney's office. The letter requests that the government "have available for questioning at the April 23, 2013 recentence [*sic*] hearing; the main FBI agents and Witnesses."

The defendant is represented by counsel. There is "no constitutional right to hybrid representation," where the defendant "share[s] the duties of conducting the duties of conducting [his or] her defense with a lawyer." *United States v. Schmidt*, 105 F.3d 82, 90 (2d Cir.1997) (citing *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984)), *cert. denied*, 522 U.S. 846 (1997); *see United States v. Edwards*, 101 F.3d 17, 19 (2d Cir. 1996). The question whether to permit it lies within the discretion of the district court. *Clark v. Perez*, 510 F.3d 383, 395 (2d Cir. 2008); *see Edwards*, 101 F.3d at 19. Given the aggressive representation of this defendant by his able counsel, this Court declines to permit hybrid representation in this case. Thus, defendant, as long as he is represented by counsel, may not participate in the conduct of his defense before the Court, although he of course has the right to make requests and suggestions to his counsel.

Accordingly, defendant's request is denied. It would be denied in any case because it was not served on all counsel and accompanied by proof of such service.

SO ORDERED.

Dated: April 9, 2013



Lewis A. Kaplan
United States District Judge